

#15
Jms
9/25/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF
BATHE et al.

Appln. No.: 09/824,551

Filed: August 1, 2001

Title: NOVEL NUCLEOTIDE SEQUENCES WHICH CODE THE luxS GENE



Confirmation No.: 9440

Group Art Unit: 1652

Examiner: K. KERR

September 20, 2002

* * * * *

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents
Washington, D.C. 20231

RECEIVED

SEP 24 2002

Sir:

TECH CENTER 1600/2900

This is in response to a communication from the examiner, dated August 26, 2002, wherein the examiner required restriction to one of the following allegedly distinct inventions:

Group I. claims 1-7 9, and 17 (directed to polynucleotides encoding a histidine kinase (LuxS) and fragments thereof, vectors, and host cells);

Group II. claim 8 (directed to coryneform bacteria with attenuated LuxS);

Group III. claims 10-16 and 18 (directed to processes for the production of amino acids); and

Group IV. Claim 19 (directed to hybridization methods).

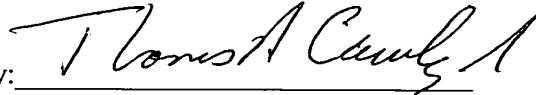
The applicants elect, with traverse, the claims of Group I (claims 1-7, 9, and 19) and state as follows.

The applicants submit that, at a minimum, the claims of Groups I and IV should be examined together in that the polynucleotides defined by the claims of Group I are used to practice the invention defined by the examiner-labeled Group IV. Therefore, the applicants submit that it would be proper for Groups I and IV to be examined together.

In the alternative, the applicants request that upon an indication of allowability of claims 1-7, 9 and 17, that the examiner rejoin the claims of Group IV pursuant to the procedure set forth in the Official Gazette on 26 March 1996 (see 1184 O.G., 86).

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Thomas A. Cawley, Jr., Ph.D.

Reg. No.: 40,944

Tel. No.: (703) 905-2144

Fax No.: (703) 905-2500

TAC/smm
1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000

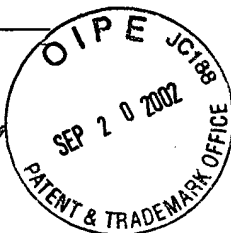
Inventor(s): BATHE et al.
Appl. No.: 09 | 824,551
Series Code ↑ | Serial No. ↑

Filed: August 1, 2001

Hon. Commissioner of Patents
Washington, D.C. 20231

Group Art Unit 1652
Examiner: K. KERR
Atty. Dkt. P 280106 | 000457 BT
M# | Client Ref

Appl. Title: NOVEL NUCLEOTIDE SEQUENCES
WHICH CODE THE luxS GENE



RECEIVED

Sir:

REPLY/AMENDMENT/LETTER

Date: September 20, 2002 SEP 24 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same dated and filed which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim A. <input checked="" type="checkbox"/> NOT made B. <input type="checkbox"/> Withdrawn C. <input type="checkbox"/> made herewith D. <input type="checkbox"/> made previously For B & C See Required Separate Paper (Pat-256)		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims		38	**minus 38	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims		4	***minus 4	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) add					+ \$280/\$140 =	+ \$0	104/204
5. Original due Date: September 26, 2002		<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo)	\$110/\$55 =	+ \$0			115/215
		(2 mos)	\$400/\$200 =				116/216
		(3 mos)	\$920/\$460 =				117/217
		(4 mos)	\$1,440/\$720 =				118/218
		(5 mos)	\$1,960/\$980 =				128/228
7. Enter any previous extension fee paid since above original due date and subtract					- \$0		
8.					Extension Fee	+ \$0	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee					+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c), add					+ \$180	+ \$0	126
or if Rule 97(d) Request add					+ \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r)					+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b).....					x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE)					+ \$740/370	+ \$0	1179/1279
14. Petition fee for					+ \$0		
15.					TOTAL FEE =	\$0	
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".					PLEASE CHARGE OUR DEP. ACCT		
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.							
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.							

Our Deposit Account No. 03-3975)
(Our Order No. 21123 | 280106
C# | M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Thomas A. Cawley, Jr., Ph.D.

Reg. No. 40944

P.O. Box 10500
McLean, VA 22102
Tel: (703) 905-2000

Sig:

Thomas A. Cawley, Jr.

Fax: (703) 905-2500
Tel: (703) 905-2144

Atty/Sec: TAC/smm

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments